

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2898 of 1983

Date of decision: 7-7-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AHMEDABAD INDUSTRIAL ESTATE FACTORY OWNERS ASSOCIATION

Versus

A'BAD MUNICIPAL CORPORATION  
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Appearance:

MR S. Saurin for Petitioners  
None present for Respondent No. 1  
Mr. S. R. Divetia for Respondent No. 2  
  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/07/97

ORAL JUDGEMENT

nThe matter was called out for hearing in the first round, second round and lastly in the third round. None put appearance on behalf of respondent No.1. Heard the learned counsel for the parties present.

The petitioner No.1 is the Ahmedabad Industrial Estate Factory Owners' Association, a nontrading Corporation registered and incorporated under the Bombay Non-Trading Corporation Act, 1959, having its registered office at S-68, Municipal Industrial Estate, Bapunagar, Ahmedabad -380 024. Petitioner No.2 is its president. The following prayers are made in the petition:

(A) to issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction restraining the respondents, their officers, servants and agents from taking any steps pursuant to the advertisement Annexure-D or otherwise for using or disposing of in any manner, the remaining and open portion of lands of Bapunagar Municipal Industrial Estate to their own advantage, wherein industrial sheds standing thereon have been assured to be allotted to the members of the petitioner's Association on hire purchase basis.

(B) Pending the hearing and final disposal of the petition, the respondents, their officers, servants and agents should be restrained from taking any action pursuant to the advertisement annexure-D or otherwise, for using and/or disposing of, in any manner, the open and remaining portions of lands of Bapunagar Municipal Industrial Estate to their own advantage wherein industrial sheds standing thereon have been assured to be allotted to the members of the petitioner Association on hire purchase basis.

2. The Corporation has issued advertisement dated 23rd May, 1983 in the Gujarat Samachar for auction of plot admeasuring 3089 sq.mt. in the industrial estate, Bapunagar and this auction has been challenged by the petitioners before this court with the aforesaid prayers. Members of the petitioner Association are indisputably having their factory sites in the municipal industrial estate, Bapunagar, Ahmedabad. This estate has been decided to be developed by the Corporation only with an intention to accommodate those industrial entrepreneurs who

were having their units within Madhubhai Mills Compound near Railway Station, Ahmedabad. So it is not in dispute that all these petitioners were allotted industrial sheds in that area. What they now demand is that whatever remaining land in the industrial estate should be allotted to the members of the petitioner Association.

3. The learned counsel for the petitioner is unable to establish any legal or fundamental right of the members of the petitioner Association for allotment of the land in dispute and other open lands of the industrial estate of the Municipal Corporation at Bapunagar to the members of the petitioner Association. This court can issue writ of mandamus for allotment of land to the members of the petitioner Association only where the members have any legal or fundamental right. Otherwise this court will not issue a writ of mandamus. The petitioners are unable to make out any case whatsoever for interference of this court.

4. In the result this special civil application fails and the same is dismissed. Rule discharged. Interim relief granted earlier stands vacated.

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